



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

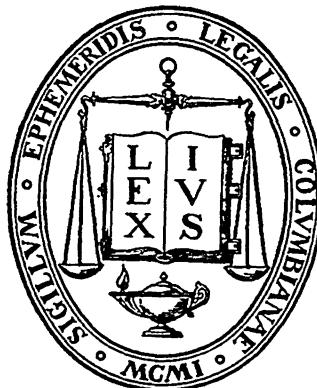
Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

COLUMBIA

LAW REVIEW

VOL. IX—1909



NEW YORK
THE COLUMBIA UNIVERSITY PRESS
1909



This volume is printed on acid free paper by
WILLIAM S. HEIN & CO., INC.

INDEX
TO
VOL. IX—1909

TITLE INDEX TO ARTICLES

	PAGE
ADMIRALTY, JURISDICTION OF, IN CASES OF TORT.. <i>Henry Billings Brown.</i>	1
COMMODITIES CLAUSE DECISION, THE..... <i>Anonymous.</i>	523
COMMODITIES CLAUSES, THE: ARE THEY ORDINANCES OF PROPERTY, OR REGULATIONS OF COMMERCE?..... <i>Edward L. Andrews.</i>	677
CONGRESS, AN INQUIRY INTO THE POWER OF, TO REGULATE THE INTRA- STATE BUSINESS OF INTERSTATE RAILROADS... <i>David W. Fairleigh.</i>	38
CONSTITUTIONALITY OF THE UNITED STATES CORPORATION TAX, THE.	
	<i>Frank J. Goodnow.</i> 649
CORPORATE POWERS..... <i>Thomas Thacher.</i>	243
COURTS, AS CONSERVATORS OF SOCIAL JUSTICE, THE.. <i>Simeon E. Baldwin.</i>	567
DECISION OF MOOT CASES BY COURTS OF LAW, THE.. <i>F. Granville Munson.</i>	667
DEFAMATION, ABSOLUTE IMMUNITY IN: JUDICIAL PROCEEDINGS.	
	<i>Van Vechten Veeder.</i>
I.....	463
II.....	600
FEDERAL COMMON LAW AND INTERSTATE CARRIERS.. <i>E. Parmalee Prentice.</i>	375
JURISPRUDENCE AND LEGAL EDUCATION..... <i>W. Jethro Brown.</i>	238
LARGE CORPORATION, AN ILLEGAL COMBINATION OR MONOPOLY UNDER THE SHERMAN ANTI-TRUST ACT, IS A?..... <i>George F. Canfield.</i>	95
LEGAL CAUSE AT COMMON LAW, SOME SUGGESTIONS CONCERNING.	
	<i>Joseph W. Bingham.</i>
I.....	16
II.....	136
SUPPLEMENTARY NOTE, "LEGAL NEGLIGENCE".....	154
MATRIMONIAL ACTIONS AS EQUITY SUITS AND THE PLEADINGS THEREIN.	
	<i>W. A. Purrington.</i> 321
NEW YORK TEST OF VESTED REMAINDERS, THE.... <i>S. C. Huntington.</i>	
I.....	587
II.....	687
PARTNERSHIP REALTY..... <i>Francis M. Burdick.</i>	197
RIPARIAN RIGHTS: A PERVERSION OF STARE DECISIS. <i>Frederic R. Coudert.</i>	217
STATE AND FEDERAL COURTS, THE JURISDICTION OF, OVER FEDERAL OF- FICERS..... <i>James L. Bishop.</i>	397
STOCKHOLDERS, INDIVIDUAL LIABILITY FOR CORPORATION DEBTS, NATURE OF..... <i>Wesley Newcomb Hohfeld.</i>	285
STOCKHOLDERS, INDIVIDUAL LIABILITY OF, AND THE CONFLICT OF LAWS.	
	<i>Wesley Newcomb Hohfeld.</i>
I.....	492
"SUBJECT-MATTER"..... <i>Hugh Evander Willis.</i>	419
UNDISCLOSED PRINCIPAL, LIABILITY OF THE, IN CONTRACT.	
	<i>William Draper Lewis.</i> 116
WILL, DOES THE COURT EVER WRITE A, FOR THE TESTATOR?	
	<i>Frank Warren Hackett.</i> 51

INDEX OF SUBJECTS.

Numbers in *italics* refer to ARTICLES, *heavy-faced type* to NOTES,
plain type to RECENT DECISIONS.

<p>ACCOUNT. <i>See also Evidence, Partnership.</i></p> <p>Account rendered: when becomes account stated. 264</p> <p>Fraud or mistake: as basis for opening account. 264</p> <p>Principal and agent: fiduciary relationship. 726</p> <p>Statute of limitations: rule of, in mutual and one-sided open accounts. 355</p>	<p>Naturalized citizen: citizenship of wife. 452</p> <p>ANIMALS.</p> <p>Dogs: known viciousness: owner's liability. 277</p> <p>Domestic animals: trespass: owner's liability. 190</p> <p>APPEAL AND ERROR.</p> <p>Judgments: effect of reversal on title acquired in reliance thereon. 549</p> <p>Moot criminal appeals. 671</p> <p>ASSUMPSIT. <i>See Contracts, Quasi-Contracts.</i></p> <p>ATTACHMENT.</p> <p>Attaching creditor: when purchaser for value. 433, 447</p> <p>ATTORNEY AND CLIENT.</p> <p>Attorney: Disbarment. 722, 730</p> <p>Client: privilege of, destroyed by fraud. 739</p> <p>Contracts for division of fees: validity of. 630</p> <p>Lien of attorney: On cause of action, under New York Code. 630</p> <p>On client's papers: not enforceable against third parties. 631</p> <p>AWARD AND ARBITRATION.</p> <p>Judgment, conclusive: when regarded as. 265</p> <p>Mistake: when award reviewable because of. 265</p> <p>BAILMENTS.</p> <p>Grain elevators: depositor's rights. 716, 732</p> <p>BANKRUPTCY. <i>See also Corporations, Partition, Public Service Companies.</i></p> <p>Debts, unprovable: secured creditors. 727</p> <p>Discharge in: Conclusiveness of. 82</p> <p>Co-partner: misconduct of, as basis of refusal. 347, 355</p> <p>Federal Bankruptcy Act construed: Act of 1898: § 1 (10) 356 § 2 (3) 355 § 14b 347, 355</p>
<p>ADMIRALTY.</p> <p>Contracts, maritime: what are. 7</p> <p>Corporations: rule of liability of. 77</p> <p>Demurrage: basis of charge. 617, 631</p> <p>Jurisdiction: in cases of tort. 1</p> <p>Negligence: tug and tow: contract exemption. 726</p> <p>Torts: liability for, limited to vessel's value: privity or knowledge exception. 77</p> <p>Towage: exemption from negligence. 726</p>	<p>ADVERSE POSSESSION. <i>See also Public Service Companies, Easements.</i></p> <p>Entry: claim of right not necessary on. 640</p> <p>Intention: nature of. 640</p> <p>Judgment: effect of. 351, 355</p> <p>Public land: possession of, under mistaken belief of ownership. 640</p>
<p>AGENCY. <i>See also Account, Contracts, Evidence, Husband and Wife.</i></p> <p>Knowledge of agent: When imputed to corporation. 730 When imputed to principal. 444</p> <p>Necessaries: purchase of. 72, 87</p> <p>Principal: Disclosed: basis of liability. 127 Undisclosed: Actions against: covenant: debt. 131</p> <p>Liability of: theories criticised. 116</p> <p>Suit by, on covenant. 264</p> <p>Ratification: knowledge of all material facts necessary. 444</p>	<p>ALIENS. <i>See also Constitutional Law, Federal Practice.</i></p>

§ 57h	727	Regulation: power of Congress over intra-state business of interstate railroads.	39
§ 60a, b	624, 631		
Federal jurisdiction: not abandoned by failure to appoint receiver.			
Injunction: against suits in State courts.	355 80		
Marshalling assets: secured creditors.	727		
Relation back: voidability of preference, determination of.	624, 631		
Secured creditors:			
Marshalling assets against interest.	727		
Rights subordinate to trustee's lien for commission.	265		
Trustee in: lien of, for commission.	265		
Trusts, constructive: <i>cestui's</i> preferred claim.	716, 732		
Voidable preference: transfer of property as: time of transfer.	624, 631		
BANKS AND BANKING.			
Savings bank trusts: nature of.	70, 77		
Teller: theft by: payee's liability.	728		
Trustee: wrongful deposit: rights of <i>cestui</i> .	716, 732		
CANCELLATION.			
Elements necessary for equitable relief.	257, 267		
CARRIERS.			
See also <i>Constitutional Law, Interstate Commerce, Negligence, Public Service Companies</i> .			
Car detention: demurrage charge for: basis of charge.	617, 631		
Confiscatory rates: sparsely settled country.	728		
Connecting carriers: delivery of cars beyond terminus.	729		
Connections: duty to establish.	714, 736		
Contract: action on, proper remedy for passenger holding bad ticket.	266		
Crossings: right to: division of expense.	631		
Holding-out: nature of.	177		
Intersecting railroads: duty of due care.	272		
Liability:			
Exemption from, not allowed.	632		
Limitation of: estoppel.	632		
Passengers: ejection of, when holding bad ticket.	266		
Rates, reasonable: value of service to public as factor.	728		
Refusal to serve: former conduct not valid cause for.	177		
CHATTEL MORTGAGES.			
After-acquired property: transfer of, not voidable preference in bankruptcy.	624, 631		
CHOSES IN ACTION.			
Assignment: when assignee's right indefeasible.	626, 635		
CONFLICT OF LAWS.			
Bill of lading: assent to, controlled by law governing obligation.	356		
Contracts: law governing:			
Agents, by.	506		
Joint and several.	499		
Partnership, by.	513		
Marriage: validity of: law governing.	356		
Minority: governed by <i>lex loci contractus</i> in commercial contracts.	444		
Obligation of contract: remedies included in.	356		
Testamentary distribution of personality: <i>lex domicilii</i> .	190		
CONSPIRACY.			
Crime: when perfected as.	734		
CONSTITUTIONAL LAW.			
Aliens:			
Exclusion and expulsion of.	632		
Harboring of: power of Congress to punish.	632		
Congress: power of, over State courts.	711, 729		
Constitutionality of a law: who may question.	440, 445		
Corporations:			
Federal tax.	649		
Reserved right to amend charter.	427, 446		
Due process:			
Denial of privilege against self-incrimination.	177		
History and interpretation.	568		
Nature of.	177, 568		
Payment attended with risk or delay.	445		
Eleventh Amendment: suits against State engaged in private business.	165, 178		
Free speech: right of: citizen and attorney.	722, 730		
Government: guaranty of republican form of.	578		
Hepburn Act: Commodities Clause: constitutionality of.			
523, 535, 549, 677			
Impairing obligation of contract: Contract made in reliance upon over-ruled decision.	163, 178		

Corporate charter: limitations on reserved right to amend.	427, 446	Negative contracts: see <i>Specific Performance</i> .
Eminent domain: right of legislature to abridge power delegated.	623, 634	<i>Par delictum</i> . 343, 357
Franchise: right of eminent domain as.	623, 634	Survival of action: Promise to marry: special damage basis of survival. 77
Interstate Commerce clause: see <i>Interstate Commerce</i> .		Test of. 77
Interstate Railroads: regulation by Congress of intra-state business.	38	Undisclosed principal: contractual theory of liability. 116
Police Power:		CONVERSION.
Advertising signs:		Ignorance of plaintiff's ownership no defense. 641
Height of: limitation. 186		Privity; no need of, between plaintiff and defendant. 641
Liquor signs: prohibition. 450		CONVERSION, EQUITABLE.
Ancillary regulations. 730		Attachment: converted realty not subject to. 179
Connecting carriers: delivery of cars to. 445, 729		Declaration by testator insufficient for: imperative direction essential. 81
Fraud: prevention of: inequality of contracting parties. 367		Partnership realty. 197
Limitations on. 66, 78, 535, 549		See also <i>Partnership</i> .
Non-intoxicating liquors. 730		Testator: declaration by, insufficient. 81
Statute: reasonableness of: conclusiveness of legislative determination. 367		Time of. 179
Separation of powers: right of judiciary to determine constitutionality of a law. 440, 445		COPYRIGHT.
State courts: power of Congress over.	711, 729	Dramatization, right of: infringement by moving pictures. 549
State legislation: when operative after conflicting Federal legislation.	348, 363	Periodical: copyright of, protects contributions. 451
State legislative power: interpretation of grant of, by State constitution. 576		Photograph: as subject of copyright. 549
Suits against a State engaged in private business. 165, 178		CORPORATIONS.
Taxation: Federal corporation tax. 649		See also <i>Mandamus</i> , <i>Partnership</i> , <i>Public Service Companies</i> , <i>Quasi-Contracts</i> , <i>Receivers</i> .
Voting machines. 732		Amendment of charter: effect on vested property rights of stockholders. 427, 446
CONTRACTS.		
See also <i>Admiralty</i> , <i>Attorney and Client</i> , <i>Carriers</i> , <i>Conflict of Laws</i> , <i>Constitutional Law</i> , <i>Corporations</i> , <i>Deeds</i> , <i>Infancy</i> , <i>Insurance</i> , <i>Licenses</i> , <i>Mandamus</i> , <i>Monopolies</i> , <i>Statute of Frauds</i> , <i>Taxation</i> .		Bankruptcy: discharge in, not extinguishment of debt. 80
Acceptance: by mail: when complete: by silence. 633		Criminal liability: nonfeasance and misfeasance. 78
Consideration: inadequacy of, in suits for specific performance.	68, 87	Directors: personal liability of. 550
Debt: contractual obligation a, within statutory meaning. 550		Franchise:
Illegal contracts: enforcement.	343, 357	Corporate being as. 243
Necessaries: contractual liability for.	72, 87	Delegated right of eminent domain as. 623, 634
		Operative. 245
		Implied powers:
		Contracts of guaranty. 633
		Test of. 633
		Incorporation as limitation of liability. 246
		Insolvency: priority of liens. 172, 187
		Legality: size as test. 95
		Libel <i>per se</i> : ability to sue for. 551
		Majority stockholders:
		Contract by, to surrender vote, void. 357

Fiduciary relation of.	550	ficers, <i>Pleading and Practice, Wills.</i>	
Relation to minority stockholders.	357	Advisory opinions.	667
Validity of contracts by, with corporation.	550	Bail: power to, incident to power to hear and determine.	727
Malicious prosecution: right of bankrupt corporation to sue for.	88	Conservators of social justice, as.	567
Manslaughter: liability for.	78	Contempt: constructive.	722, 730
Name: protection of: non-commercial corporations.	634	Courts-Martial: not subject to writs of prohibition.	447
Non-resident stockholders: statutory liability of.	168, 178	Disbarment of attorney: grounds for.	722, 730
Notice: when imputed:		Federal courts: prerogative writs.	398
Agent: knowledge acquired within scope of authority.	730	Injunction: reciprocal interference by State and Federal courts.	80
Corporators: knowledge by all.	730	Judges: criticism of: effect.	722, 730
Person: corporation as, under criminal statutes.	78	Judicial acts: definition of.	341, 367
President:		Judicial proceeding: nature of.	483
Admission of, inadmissible against corporation.	358	Jurisdiction:	
Status of.	358	Federal law in State courts: power of Congress to compel.	711, 729
Stockholders:		Non-resident stockholders, over.	168, 178
Individual liability: nature of.	285, 492	Legal existence: creation under color of law: collateral attack.	182
Injunction by, against acts of corporation.	266	Misconduct toward: disbarment.	722, 730
Liability: entity theory.	292	Moot criminal appeals.	671
Property of: investments and right to vote, as.	427, 446	Review of orders of rate-making commissions.	341, 367
Statutory liability of: law and equity.	358	State courts:	
Suits by, in own name.	79, 445	Federal law in: power of Congress to compel.	711, 729
Subscriptions to stock: payment enforceable in equity by creditor.	358	Power to determine fee in non-navigable lakes.	738
Taxation: Federal law.	649	Verdict: power to direct, to set aside.	737
Torts: liability for, involving intent.	78		
Transfer of stock:		COVENANTS.	
Registration:		See also <i>Deeds.</i>	
Effect of non-registration where same required.	433, 447	Actions:	
Theory of.	433, 447	Undisclosed principal as party.	
Transferee of stock may compel.	446	<i>I31</i> , 264	
<i>Ultra vires</i> acts: purchase of stock in another corporation.	266	Who may be parties.	264
Unpaid subscriptions: creditor may collect in equity: trust fund theory.	358	Ratification: must be by instrument under seal.	264
		Seal: disregarded if superfluous.	264
		CRIMINAL LAW.	
		See also <i>Corporations, Jury.</i>	
Accomplice: rights of, as State's evidence.	731		
Conspiracy: when perfected.	734		
Dwelling: defense of.	720, 737		
Felony: extent of right to prevent.	720, 737		
Larceny:			
<i>Lucri causa.</i>	731		
Taking from possessor is taking from owner.	178		
Moot appeals.	671		

COURTS.

See also *Habeas Corpus, Interstate Commerce, Jurisprudence, Of-*

Rendition of verdict: waiver of presence of accused.	178	EQUITY.	
Spring-guns: liability for.	720, 737	See also <i>Cancellation, Limitation of Actions, Officers, Specific Performance.</i>	
DAMAGES.		<i>Bona fide purchasers:</i> attaching creditors.	
See also <i>Insurance, Mines and Mining, Sales.</i>		433, 447	
Cumulative penalties: provision for, must be explicit.	737	"Clean hands": application of maxim to marriage annulments.	
Indemnity: promise to pay definite amount on default.	556	269, 335	
Peculiar condition of plaintiff as affecting damages.	81	Cloud on title: what constitutes.	
Realty: contracts to sell: measure of damages: when substantial damages allowed.	438, 447	257, 267	
DEEDS.		Divorce proceedings: equitable nature of.	
Contract to convey: nature of deed required.	551	321	
Covenant of title: no implication of.	551	Elections: jurisdiction over.	
DISBARMENT.		359	
See <i>Attorney and Client.</i>		Equitable title:	
DIVORCE.		Rôle of, in bankruptcy.	
See also <i>Pleading and Practice.</i>		626, 631	
Decree: conclusiveness of.	82	Transferee of unregistered stock.	
Proceedings: equitable nature of.	321	433, 447	
Recrimination: parties in equal guilt.	83	Hardship: affirmative relief for.	
Void decree: collateral attack: estoppel to set up.	552	257, 267	
DOMESTIC RELATIONS.		See also <i>Specific Performance.</i>	
See <i>Guardian and Ward, Husband and Wife, Infancy, Parent and Child, Persons.</i>		Improvements: recovery for, under unenforceable land contract.	
EASEMENTS.		561	
See also <i>Eminent Domain, Highways and Streets, Party Walls.</i>		Interpleader: requirement of privity.	
Prescription, easements by: use greater than claim.	267	252, 270	
Termination: abandonment: adverse possession: estoppel.	553	ESTOPPEL.	
Ways as boundaries: implied easements over.	442, 449	See also <i>Carriers, Easements, Municipal Corporations, Public Service Companies.</i>	
EJECTIONMENT.		Estoppel against estoppel: matter set at large.	
See <i>Counterclaim, Public Service Companies.</i>		360	
EMINENT DOMAIN.		Insurance: waiver distinguished from estoppel.	
Delegation: rights of grantee.	623, 634	251, 270	
Easements: taking of, by street closing.	442, 449	Judgment <i>in rem</i> : world estopped by.	
Franchise: compensation for: basis of.	160, 186	82, 360	
Public use: definition of.	442, 449	EVIDENCE.	
		See also <i>Insurance, Officers.</i>	
		Account: negligence in objecting to, raises presumption of correctness.	
		264	
		Admissions:	
		Corporation president, of a.	
		358	
		Parties identified in interest: doctrine discussed.	
		61, 82	
		Boundary disputes: declarations of deceased persons: admissibility of reputation.	
		255, 268	
		Decedent: personal transactions with.	
		448	
		Declarations of deceased persons: boundary disputes.	
		255, 268	
		Expert testimony:	
		Hypothetical question:	
		Conflicting testimony.	
		635	
		Scope of.	
		635	
		Undisputed material facts must be included.	
		635	
		Physicians: opinion based on patient's statements.	
		732	

Hearsay rule:	FRAUD.
Exceptions to, in locating boundaries. 255, 268	See <i>Account, Constitutional Law, Husband and Wife, Officers, Sales.</i>
Patient's statements to physician. 732	
Inferences: failure to call witnesses. 268	FUTURE ESTATES.
Presumptions:	Alternative limitations: implication of. 259, 277
Continuity of life: doctrine criticised. 435, 448	Classes:
Suicide of insured: reasonable doubt rule. 179	After-born children: when admitted. 430, 457
Undue influence: wife as surety for husband. 83	Time of determination: period of distribution as a factor. 430, 457
Privilege:	"Dying without issue": construction of. 259, 277
Client's destroyed by fraud. 739	Equitable limitations: when void. 724, 737
Denial of, against self-incrimination. 177	Estates vested subject to divest: enumeration of. 709
Reputation: admissibility of, in locating boundaries. 255, 268	Executory devises: devisability of. 546, 561
Verdicts, directed: supervisory power of courts. 737	Gifts to classes: characteristics of. 368
EXECUTORS AND ADMINISTRATORS.	Gifts to issue: no implication of, if estate limited on failure of issue. 259, 277
See also <i>Wills.</i>	Merger: destruction of contingent remainders. 362
<i>Devastavit</i> : payment of claim barred:	Perpetuities, rule against: remoteness test adopted in New York. 338, 368
Under Statute of Frauds. 360	Remainders:
Under Statute of Limitations. 360	Contingent:
Privity between representatives in different jurisdictions. 248, 268	Destruction of, by merger. 362
Residue, undisposed of: when executor takes. 180	Devisability of. 546, 561
EXTRADITION AND RENDER-TION.	Test of. 182, 587, 687
Bail: granting of. 727	Vested and contingent: distinction at common law, under New York statutes: New York theory criticised. 587, 687
Detention: lawfulness of, before requisition. 268	Void: rules to determine when. 724, 737
Executive warrant: conclusiveness of. 268	Reverter, possibility of: not a future estate. 170, 187
FEDERAL PRACTICE.	Rule of no implication to issue of gift over is limited on failure of issue. 259, 277
Aliens: right of, to remove causes. 545, 553	GIFTS.
Diversity of citizenship: put in issue by general denial. 361	See also <i>Husband and Wife.</i>
Injunction: not available against State statute before final ratification. 181	Incomplete gifts: when effectuated in equity. 626, 635
Removal of causes:	<i>Inter vivos:</i>
Alien's right. 545, 553	Delivery:
Consent of parties: doctrine of. 545, 553	Actual: when not necessary. 636
Determination of: when within jurisdiction of State court. 361	Intended donee in possession. 636
Grounds for, must appear in complaint. 416	Obstruction of, by custodian. 636
State statute: no injunction against, before final ratification. 181	GOVERNMENT.
FOREIGN CORPORATIONS.	See <i>Constitutional Law.</i>
Power to sue: effect of non-compliance with State statute. 181	GUARDIAN AND WARD.
Guardian <i>ad litem</i> : status of. 269	

HABEAS CORPUS.

Courts-Martial: jurisdiction of, raised by. 447

Federal courts: power to issue. 402

HIGHWAYS AND STREETS.

See also *Easements*.

Abutting owners: rights of, extinguished by street closing. 442, 449

Conflicting rights: licensee and owner of franchise. 449

HUSBAND AND WIFE.

See also *Conflict of Laws, Divorce*.

Agency of wife to purchase necessities. 72, 87

Annulment of marriage: fraud and insanity. 269

"Clean hands": application of maxim in marriage annulment. 269, 335

Custody of children: primary right in husband: exceptions. 636

Gifts: husband to wife: when valid. 626, 635

Necessaries: nature of husband's liability for. 72, 87

Voidable marriages: disease and mistaken identity as fraud. 552

Wife as surety for husband: presumption of undue influence. 83

INFANCY.

See also *Conflict of Laws*.

Contracts: disaffirmance within reasonable time after majority. 362

Majority: judicial determination of: conclusiveness. 82

Necessaries: nature of infant's liability for. 72, 87

INJUNCTIONS.

See also *Bankruptcy, Corporations, Courts, Federal Practice, Nuisance, Trespass, Waters and Watercourses*.

Balance of injury: doctrine of. 84

Federal officers: power of State courts to enjoin. 415

Injunction bond: when action accrues on. 733

Negative contracts: enforcement of. 540, 553

Nuisance: denial of injunction as test of permanence. 538, 558

Public convenience: ground for denial. 84

Title in dispute: when injunction will issue. 84

Torts in foreign jurisdictions: when enjoined. 80

INNKEEPERS.

Guests: status as, when terminated: effect of absence. 637

Liability for baggage: continuance of, after guest's departure. 637

INSANITY.

See also *Husband and Wife, Parent and Child*.

Inquisitions: conclusiveness of findings. 82

Lunatic's committee: nature of office: personal liability for tort on premises. 353, 363

Necessaries: nature of liability for. 72, 87

Torts: liability of lunatic's estate. 353, 363

INSURANCE.

See also *Estoppel, Evidence*.

Beneficiaries: Death of: right under policy unaffected. 183

Interest of, nature of. 183

Conditions: Loss of right to take advantage of breach. 251, 270

Written consent for further insurance: parol waiver. 450

Written waiver: right to, waived by parol. 450

Fire Insurance: market value as measure of damage. 84

Indemnity: validity of, for losses due to negligence of master or carrier. 637

Insurable interests:

Assignment to one without. 637

Creditor in life of debtor. 449

Warranties: burden of proving breach. 184

INTERSTATE COMMERCE.

See also *Carriers, Constitutional Law, Public Service Companies*.

Carriers:

Federal common law. 375

Power to regulate, not original under constitution. 393

Commission:

Character of: power of, to compel testimony. 270

Extent of power to change rates. 733

Congress power of, to regulate: 733

Distinguished from power over coasting trade. 389

Prohibition as regulation. 535, 549, 677

Recent development. 387

Courts: jurisdiction to enjoin proposed schedule of rates. 271

Discrimination: State power to punish for.	348, 363	Proximate or legal cause: analysis.	23
Hepburn Act:		Rate making: nature of function.	
Commission's power to change rates.	733	<i>Stare Decisis</i> : proper use of.	341, 367
Constitutionality of Commodities Clause.	523, 535, 549, 677	"Subject-Matter."	236, 419
Interstate Commerce Act: no power in courts to determine reasonableness of rates.	271		
Interstate railroads: public agents of Federal Government.	38	JURY.	
Rates:		Grand jury: hearing before, no part of criminal proceedings.	80
Congressional control.	392	Right of trial by: municipal offenses.	734
Reasonableness of: determination by courts.	271		
Sherman Anti-Monopoly Act:		LACHES.	
Conflict with patent laws.	536, 559	See <i>Trusts</i> .	
Construction of.	103		
Contract rights under.	97	LANDLORD AND TENANT.	
Large corporations under.	95	See also <i>Negligence</i> .	
Property rights under.	97	Adverse possession: estoppel prevents claim of, by tenant.	451
Purpose of.	104, 536, 559	Apartment houses:	
Statute of limitations.	734	Elevators: liability of landlord for negligent operation: duty non-delegable.	272
State control: when concurrent: conflicting State legislation, not common law judgments prohibited by constitution.	348, 363	Heat: liability of landlord for failure to.	85
State law affecting interstate commerce: status of.	66, 78	Repairs: landlord's liability for negligence.	85
Statutory demurrage.	617, 631	Assignment of lease:	
		Condition against: effect of waiver or license of breach.	627, 640
		Lessee not relieved by, from obligation to pay rent.	271
JUDGMENTS.		Business: destruction of: liability for rent.	735
See also <i>Adverse Possession</i> , <i>Appeal and Error</i> , <i>Award and Arbitration</i> , <i>Bankruptcy</i> , <i>Estoppe</i> , <i>In-fancy</i> , <i>Insanity</i> .		Defective premises: to whom liability attaches.	353, 363
<i>In rem</i> : revocation of patent is.	360	Dumpor's Case: rule of.	627, 640
State courts: common law judgments in, not prohibited by Commerce Clause.	348, 363	Premises: destruction of: beneficial use as test.	735
		Rent: liability for: destruction of premises.	735
JURISPRUDENCE.		Sub-lease: condition against: effect of waiver or license of breach.	627, 640
Common law: system of concrete rights and duties.	16	Tenancy from year to year: continuing nature of.	735
Continental theories: influence of.	240		
English system: impracticability of.	238	LIBEL AND SLANDER.	
Federal common law.	375	See also <i>Corporations</i> .	
Judicial acts: what constitute.	341, 367	Defamation:	
Legal classification: theory of: effect.	239	Absolute immunity:	463, 600
Legal duties: determinable by examination of their purpose.	34, 136	Alternative remedies.	470
Legal education and jurisprudence.	238	Counsel.	482, 606
Moot cases.	667	English doctrine.	603
Overruling decision: effect of.	163, 178	History of.	464
		Judges.	605
		Parties litigant.	478, 606
		Relevancy doctrine.	607
		Restrictions upon.	600
		Statutes.	472
		Witnesses.	605, 615
		Qualified immunity.	464, 614

LICENSES.

See also *Public Service Companies*.
 Contract: license by, irrevocable. 553
 Theatre tickets as: revocation. 177

LIENS.

See also *Attorney and Client, Mortgages, Vendor and Purchaser*.

Livery keepers:

Lien of, as against third parties. 554

Possession: relinquishment of, to owner does not destroy lien. 554

Priority of, on insolvency of corporations: displacement of. 172, 187

LIMITATION OF ACTIONS.

See also *Account, Executors and Administrators, Trusts*.

Conspiracy: when statute begins to run. 734

Debt: remedy only effected. 554

Equity: reasonable time in: analogy. 362

Mortgages:

Barred debt does not affect. 554

Foreclosure of: when barred against mortgagee's grantee. 718, 736

MALICIOUS PROSECUTION

See also *Corporations*.

Basis of action: complaints: warrants. 363

MANDAMUS.

Contracts: enforcement by. 555

Corporators: reinstatement. 555

Students: reinstatement. 555

MARRIAGE.

See *Husband and Wife*.

MASTER AND SERVANT.

Safe place to work: non-delegable duty: supervision by competent servant as discharge of duty. 85

MINES AND MINING.

Damages: measure of, against innocent trespassers. 555

MISTAKE.

See also *Account, Award and Arbitration*.

Fact, mistake of: effect on right of subrogation. 63, 87

MONOPOLIES.

See also *Patents*.

Contracts: when enforceable. 343, 357

MORTGAGES.

See also *Limitation of Actions*.
 Bondholders: lien of: displacement. 172, 187

Extension: when possible to cover subsequent debts. 556

Foreclosure: mortgagor's grantee: right against, when barred. 718, 736

Mortgagor: conveyance by: subsequent right to encumber property. 718, 736

MOTOR VEHICLES.

Dangerous instrumentalities: doctrine of, inapplicable. 638

MUNICIPAL CORPORATIONS.

Annual payments: contract for: present debt of amount ultimately due. 184

Debts: contracts for ordinary expenses. 184

Estoppel: recital in unauthorized bonds. 303

Ordinances: violation of, penalizing act also State offense creates separate offense. 734

NEGLIGENCE.

See also *Admiralty*.
 Assumption of risk: effect of necessity. 621, 638

Contributory negligence: Necessity as excuse for. 621, 638

Passenger: jumping from train. 272

Tenant: failure to heat apartment. 85

Legal negligence: analysis. 154

Necessity: excuse for. 621, 638

NEGOTIABLE INSTRUMENTS.

Alteration: payment according to original tenor. 452

Badly drawn instrument: forgery made possible by. 452

Bona fide holder: indorsee of note bearing undated notice of extension. 557

Delivery: validity of, presumed. 364

Escrow: delivery in, to payee's agent. 557

Exhibition at presentment: waiver. 185

Mala fide holder: carelessness in acquiring note. 557

Negotiable Instruments Law: 364

§ 35. 557

§ 98. 452

§ 205. 452

Penalties: stipulation to pay definite amount on default.	556	PARTNERSHIP.
Presentment: possible by telephone.	185	See also <i>Bankruptcy</i> .
NOTARIES.		Account: right of corporation to, as partner.
Acknowledgment: conclusiveness of, against innocent purchasers.	638	365
NUISANCE.		Corporations: partnership agreement by, <i>ultra vires</i> .
See also <i>Prescription</i> .		365
Continuing: test of.	538, 558	Liability: limitation of, by agreement with creditor.
Permanent: test of.	538, 558	296
Private: public benefit: denial of injunction.	558	Partnership relation: when liability not imputed from.
Public: collateral public benefit as defense.	558	346, 355
OFFICERS.		Realty:
<i>De facto</i> : payment of salary to: defense in action by <i>de jure</i> officer.	558	Conversion of:
Elections:		American rule.
Contest of: equity jurisdiction.	359	201
Fraud: results impeachable for.	359	By agreement.
359	204	
Vote: nature of right to.	732	English rule.
Voters: testimony of: recount.	359	197
Voting machines:		Conveyance by partners.
Constitutionality of.	732	210
Defective: testimony of voters.	359	Partial conversion.
Federal officers: power of courts:		206
Federal control over: enlargement.	397	Partnership tenure.
Removal of causes.	401	213
State control over.	415	Surviving partner: transfer by.
Public moneys: extent of liability.	639	210
Removal: disqualification for remainder of term.	364	Survivor and heirs: tenants in common.
Resignation, prospective: acceptance: effect of, on subsequent withdrawal.	86	212
Salary:		Title: firm as entity.
Action for: diminution of damages: payment to <i>de facto</i> officer as defense.	558	216
Incident of office: loss by abandonment of.	558	PARTY WALLS.
PARENT AND CHILD.		See also <i>Tenancy in Common</i> .
Custody: welfare of child determining factor.	636	Destruction: right to rebuild.
Emancipation: insane child at majority.	185	74, 86
Insane child: emancipation at majority.	185	Easements: nature and extent of.
Support: duty to, disputed.	185	74, 86
PARTITION.		Repairs: liability for: contribution.
Trustee in bankruptcy: right to.	365	74, 86
PARTNERSHIP.		PATENTS.
See also <i>Bankruptcy</i> .		See also <i>Trademarks and Names</i> .
Account: right of corporation to, as partner.	365	Patentee: monopoly rights of.
Corporations: partnership agreement by, <i>ultra vires</i> .	365	536, 559
Liability: limitation of, by agreement with creditor.	296	PERPETUITIES; RULE AGAINST.
Partnership relation: when liability not imputed from.	346, 355	Future interests affected by.
Realty:		724, 737
Conversion of:		Lives postponing vesting: when sufficiently designated.
American rule.	201	274
By agreement.	204	Remainders: applicability to.
English rule.	197	724, 737
Conveyance by partners.	210	Remoteness:
Partial conversion.	206	Rule against: adoption in New York.
Partnership tenure.	213	338, 368
Surviving partner: transfer by.	210	Vice of: effect on class gifts.
Survivor and heirs: tenants in common.	212	368
Title: firm as entity.	216	PERSONAL PROPERTY.
PARTY WALLS.		See also <i>Bailments</i> .
See also <i>Tenancy in Common</i> .		Defense of: mechanical appliances.
Destruction: right to rebuild.		720, 737
74, 86		PERSONS.
Easements: nature and extent of.		See also <i>Corporations</i> .
74, 86		Deserted wife: capacity of, to sue alone.
Repairs: liability for: contribution.		447
74, 86		PLEADING AND PRACTICE.
PATENTS.		See also <i>Federal Practice</i> .
See also <i>Trademarks and Names</i> .		Amended answer: time within which to serve, under New York Code.
Patentee: monopoly rights of.		365
536, 559		
PERPETUITIES; RULE AGAINST.		
Future interests affected by.		
724, 737		
Lives postponing vesting: when sufficiently designated.		
274		
Remainders: applicability to.		
724, 737		
Remoteness:		
Rule against: adoption in New York.		
338, 368		
Vice of: effect on class gifts.		
368		
PERSONAL PROPERTY.		
See also <i>Bailments</i> .		
Defense of: mechanical appliances.		
720, 737		
PERSONS.		
See also <i>Corporations</i> .		
Deserted wife: capacity of, to sue alone.		
447		
PLEADING AND PRACTICE.		
See also <i>Federal Practice</i> .		
Amended answer: time within which to serve, under New York Code.		
365		

Civil process: service of, on non-resident witness.	273	Ejectment against: public interest as defense.	453
Compulsory reference: rule under New York Code.	559	Franchise:	
Courts: counterclaim exceeding jurisdictional limit.	366	Property in.	160, 186
Divorce: adultery as defense when not pleaded.	324	Value of: element in rate regulation.	160, 186
Election: inconsistent courts.	86	Holding out: effect of exclusive contract.	714, 736
Joiner of actions: "subject-matter" test.	424	Insolvency: receiver's certificates.	172, 187
Matrimonial actions: pleadings in New York.	321	Interchange of service: not a duty: duration when undertaken.	560
Real party in interest: definition of, in Code States.	453	Licenses to: revocation: effect of public interest.	453
Stay of proceedings: discretion of court: second suit vexatious.	366	Public interest: success and power as test.	639
"Subject-Matter": definition.	479	Rate making: nature of function.	341, 367
PLEDGES.			
Contract of: transfer under, voidable preference in bankruptcy.	624, 631	Rate regulation:	
Appointee, acceptance by: necessity of.	275	Franchise: property in, as factor.	160, 186
POWERS.			
Appointee, acceptance by: necessity of.	275	Reasonable rates:	
PREFERENCE.			
See <i>Bankruptcy</i> .		Return on property devoted to public use as basis.	273
PRESCRIPTION.			
See also <i>Easements</i> .		Value of service to public as basis.	728
Nuisance.		Telegraphs and telephones:	
Private: rule when co-existent with public nuisance.	183	Local companies:	
Public: may not be prescribed for.	183	Duty to establish long-distance connections.	714, 736
PROXIMATE CAUSE.			
Analysis.	16, 136	Right to discontinue established connections.	714, 736
PUBLIC LAND.			
See also <i>Adverse Possession</i> .		Transmission: receiver's right to reasonable care in, unaffected by company's contract with sender.	189
Conquest: title under former sovereignty: recognition of: Philippine Islands.	560		
PUBLIC SERVICE COMPANIES.			
See also <i>Carriers, Interstate Commerce, Taxation</i> .		QUASI CONTRACTS.	
Adverse possession: acquisition by, of company's idle land.	186	Corporations: stockholder's individual liability.	285, 492
Connections: duty to establish.	714, 736	Demurrage charges: quasi-contractual basis for.	617, 631
Contracts <i>inter se.</i>	714, 736	Improvements: unenforceable contract for sale of land.	561
Dependant service companies: duty to.	714, 736	Necessaries: quasi-contractual basis for.	72, 87
Discrimination: failure of supply.	619, 640	Purchase price: recovery of, under unenforceable parol contract.	561
Duty: test of: unavoidable failure of supply: effect of.	619, 640	REAL PROPERTY.	
		See also <i>Damages, Future Estates, Partnership, Perpetuities, Rule Against, Powers, Taxation, Wills</i> .	
		Boundaries: ways as: implied easements over.	442, 449
		Conditional estates: breach: waiver and license.	627, 640
		Devise: seisin as test of devisability.	546, 561
		Double possibilities: rule against.	724, 737
		Dumpor's case, rule of: limitation on.	627, 640

Fixtures: right to remove, on renewal of lease.	82	STATES.
Land on non-navigable lakes: Federal grant: title to lake bed.	738	See also <i>Interstate Commerce.</i>
Merger: when contingent remainder destroyed by: when effectuated by conveyance.	362	Admission to Union: title to navigable and non-navigable waters.
Re-entry, right of:		738
Destruction: apportionment of remainder by act of law.	274	Courts: Federal law in.
Devisability of.	170, 187	711, 729
Distinguished from possibility of reverter.	170, 187	Foreshore: ownership of.
Reverter, possibility of: nature of.	170, 187	174, 190
Reverter, possibility of: nature of.	170, 187	Suits against.
Right to wharf out.	174, 190, 217	165, 178
Seisin: necessity for, in devisable interests.	546, 561	STATUTES.
Title, predecessors in: admissions of.	61, 82	Alabama Code § 4007.
Tortious feoffment: merger by.	362	448
RECEIVERS.		Bankruptcy Acts, see <i>Bankruptcy.</i>
Appointment: vacation of: commissions.	736	Conformity Act, 1872.
Assessments by.	168, 178	361
Certificates: right to issue.	172, 187	Copyright Act:
Commissions: charge on funds: appointment vacated.	736	1891.
Office: nature of.	353, 363	451
Torts: liability for, in representative capacity.	353, 363	1909, § 1.
REMAINDERS.		549
See <i>Future Estates.</i>		Cumulative offenses: provision for must be explicit.
SALES.		737
Bill of lading: transferee:		Fugitive Offenders Act: England.
Liability for breach of warranty.		727
Title.	87	Hepburn Act: Commodities Clause.
Fraud: vendor's possession as.	433, 447	523, 534, 549, 677, 733
Vendor: retention of possession by, as fraud.	433, 447	See also <i>Constitutional Law.</i>
Warranty:		Interpleader: statutory.
Damages: money paid to satisfy purchase note.	275	254, 270
Fitness for known use.	187	Interstate Commerce Acts:
Transferee of bill of lading: liability.	87	§ 9
SPECIFIC PERFORMANCE.		271
Hardship as defense: definition: limitations on.	68, 87	§ 12
Inequitable advantage: defense, as.	68, 87	270
Mutuality: doctrine of.	540, 553	§ 16
Negative contracts: enforcement by injunction: entirety of performance, doctrine of.	540, 553	271
Stock: contract for, when specifically enforced.	635	See also <i>Interstate Commerce.</i>
		Judiciary Act.
		397, 545, 553
		Montana Civ. Code: § 451.
		550
		New Jersey Laws, 1906, 432, § 1.
		188
		New York Code Civ. Proc.:
		§ 348
		367
		§ 542
		366
		§ 798
		366
		§ 860
		273
		§ 863
		273
		§ 974
		559
		§ 1013
		559
		§ 1570
		188
		§ 1762
		83
		§ 1765
		83
		§ 2611
		190
		§ 2694
		190
		See also <i>Pleading and Practice.</i>
		New York Penal Code: § 179.
		79
		New York Laws:
		1876, ch. 118.
		191
		1893, ch. 338, §§ 51, 52.
		737
		1895, ch. 1006, § 6
		442, 449
		New York Real Property Law:
		Perpetuities:
		I R. S. ch. 723, §§ 14, 15, 17, 24.
		338, 368
		Remainders:
		R. P. L. §§ 22-76.
		587, 687
		R. P. L. § 30.
		182, 275
		New York Stock Corporation Law:
		§§ 54, 55.
		79
		Separate offenses: broad interpretation.
		737

Sherman Anti-Monopoly Act.	Transfer Tax:
95, 536, 559, 734	Appointment under power. 275
See also <i>Constitutional Law</i> .	Non-resident decedent. 188
Stockholders: statutory liability.	Remainders vested prior to statute. 275
168, 178	
United States Corporation Tax.	Waterpower: situs of, for taxation. 88
United States Revised Statutes:	
§ 914	TENANCY IN COMMON.
§ 1994	See also <i>Partnership</i> .
§ 4996	Party walls: repairs: contribution. 74, 86
§§ 5278-9	
§ 5440	TORTS.
Wills, Statute of.	See also <i>Corporations, Injunctions, Insanity, Landlord and Tenant, Receivers</i> .
546, 561	Admiralty: jurisdiction of. 1
Wilson Act, 1890.	Competition: justification of. 455
450	Conflicting Rights: see <i>Highways and Streets</i> .
STATUTE OF FRAUDS.	
See also <i>Executors and Administrators</i> .	Look and Listen Rule: court and jury. 737
Contract: "void" under statute:	Motive: effect on legality of act. 455
Basis for <i>quantum meruit</i> . 78	Necessity: when an excuse. 621, 638
Consideration for promissory note, as. 78	Percolating waters: rights in. 543, 562
Land contract: relief under trust theory.	Privacy: right of. 641
454	Property rights, conflicting: percolating waters. 543, 562
Part performance: possession and improvements as.	Property: right to defend against felony: mechanical appliances. 720, 737
561	Self-defense: mechanical appliances. 720, 737
STOCKS AND STOCK BROKERS.	
Brokers: duty of, to customers' stock.	Spring-guns: liability for. 720, 737
716, 732	Telegraphs and telephones: see <i>Public Service Companies</i> .
Transfer: failure to register: defect of.	
433, 447	
SUBROGATION.	
See also <i>Mistake</i> .	
Right of: limitations on.	TRADEMARKS AND NAMES.
63, 87	See also <i>Taxation</i> .
Vendor's lien: subrogation to.	New products: name of: protection. 641
261, 276	Patents: fanciful name made descriptive by. 641
Volunteer:	
Who is.	TRESPASS.
63, 87	Dogs: owner's liability. 190
Wife with inchoate right of dower.	Domestic animals: owner's liability. 190
187	Injunction: repeated trespass. 456
SURETYSHIP.	
See <i>Husband and Wife</i> .	Pumps: percolating waters. 543, 562
TAXATION.	
Corporations: Federal law.	Right to prevent: extent of. 720, 737
649	
Exemptions: repeal of, by implication.	TRUSTS.
455	See also <i>Bankruptcy</i> .
Franchise: property in, for purpose of.	Beneficiaries: termination of trust: title. 276
160, 186	Constructive trusts: <i>res</i> : identification of. 716, 732
Police power: levies distinguished.	Dry trust. 276
189	Express trustee: laches: English rule. 89
Special assessments: distinguished from levies: proportioned to benefits.	Foreshore: State trustee of. 174, 190
189	Investments: power of trustee. 89
Taxable property: ground rents, stock exchange seat, trademarks.	
561	
Trademarks: taxable property.	
561	

Laches: when imputable.	89	WILLS.
Parol trust: imperfect gifts.	626, 635	See also <i>Conflict of Laws, Real Property.</i>
<i>Res:</i> identification: constructive trusts.	716, 732	Alternative gifts to issue: implication of, when gift over on failure of issue.
Revocable trusts: theory.	70, 77	259, 277
Savings-bank trusts in New York.		
Statute of limitations: defense of, in express trusts.	89	Classes, gifts to: Characteristics.
VENDOR AND PURCHASER.		Determination of class.
See also <i>Quasi Contracts, Sales.</i>		Courts: function in interpreting wills.
Damages: rule in realty contracts.	438, 447	51
Vendor's lien: nature: retention of title distinguished.	261, 276	Conflicting claims:
WARRANTY.		Creditors of testator and transferees for consideration.
See <i>Insurance, Sales.</i>		277
WATERS AND WATER-COURSES.		Residuary legatee and executor's mortgagee.
See also <i>Taxation, Trespass.</i>		277
Foreshore:		<i>Cy pres</i> doctrine: application.
Access to navigable waters by up-land owners.	232	55
Conflicting rights in.	174, 190	Devisable interests: tests of devisability.
History.	219	546, 561
<i>Jus privatum</i> and <i>jus publicum.</i>	233	"Dying without issue": construed.
Fowling: public right.	276	259, 277
Injunction: interference with right of fowling.	276	Gifts over: implied to issue in alternative when one gift over on failure of issue.
Navigable waters: title passes to State on admission.	738	259, 277
Non-navigable lakes: title as between State and United States.	738	Gifts to classes: Characteristics.
Percolating waters: rights in: reasonable user.	543, 562	Determination of class.
Riparian rights:		368
Rights in foreshore.	174, 190, 217	Probate: admission to: testator domiciled abroad.
<i>Stare decisis.</i>	217	190
Surface waters: obstructions by railroads.	456	Representatives, gifts over to: time of determination.
Wharfing out: right to.	174, 190	430, 457
		Revocation: when marriage alone constitutes.
		562
		WITNESSES.
		See also <i>Libel and Slander.</i>
		Accomplice: competency.
		731
		Attestation: interested parties: competency.
		738
		Attorney and client: privileged communications.
		739
		Inferences from failure to call.
		268
		Privilege of: distinguished from that of party.
		80

BOOK REVIEWS.

	<small>PAGE</small>
ANSON: Law and Custom of the Constitution. Volume two. Third Edition.	459
BURDICK: The Law of Torts. Second Edition.	563
CLARK: Probate Reports Annotated.	280
COOLEY, General Editor. Brief Making and the Use of Law Books. By various authors.	744
COSTIGAN: Handbook on American Mining Law.	643
CRAWFORD: The Negotiable Instruments Law. Third Edition.	371
DEVLIN: Treaty-Making Power under the Constitution of the United States.	194
FROST: A Treatise on the Incorporation and Organization of Corporations. Third Edition.	564
GILMORE: Cases on the Law of Partnership: Including Limited Partnerships.	564
HALL: The Massachusetts Law of Landlord and Tenant. Second Edition.	192
IVINS and MASON: The Control of Public Utilities. In the Form of an Annotation of the Public Service Commission Law of the State of New York.	744
LATIFI: Effects of War on Property.	372
LORENZEN: Cases on the Conflict of Laws.	460
MAITLAND: A Constitutional History of England.	91
MARTIN: Mining Law and Land Office Procedure, with Statutes and Forms.	281
MECHEM and GILBERT: Cases on Damages (American Case Book Series). <i>James Brown Scott</i> , General Editor.	644
MIYAKAWA: The Powers of the American People.	92
MOORE: A Treatise on Facts or the Weight and Value of Evidence.	370
NOTT: The Mystery of the Pinckney Draught.	283
PARMALEE: Principles of Anthropology and Sociology in their Relations to Criminal Procedure.	193
REEVES: A Treatise on the Law of Real Property.	742
REPORT of the Board of Statutory Consolidation to the Legislature of the State of New York.	90
SCHOULER: Ideals of the Republic.	565
SCOTT and BEAMAN: Index Analysis of Federal Statutes, together with a Table of Repeals and Amendments.	460
TAYLOR: The Science of Jurisprudence.	369
VAN ZILE: The Law of Bailments and Carriers. Second Edition.	373
VARIOUS AUTHORS: Select Essays in Anglo-American Legal History. Volume two.	458
VARIOUS AUTHORS: Select Essays in Anglo-American Legal History. Volume three.	743
WARREN: History of the Harvard Law School and of Early Legal Conditions in America.	646
WEIL: Water Rights in the Western States. Second Edition.	279
WILLISTON: The Law Governing Sales of Goods at Common Law and Under the Uniform Sales Act.	645

TABLE OF RECENT CASES.

Numbers in heavy-faced type refer to NOTES, plain type to RECENT DECISIONS.

PAGE	PAGE
A. T. S. Ry. Co. <i>v.</i> Smith..... 632	C. M. & St. P. Ry. Co. <i>v.</i> City of Janesville 189
Ainsworth <i>v.</i> Munoskong Hunt, & Fish. Club..... 276	C. & N. W. Ry. Co. <i>v.</i> Garrett.. 549
Alabama, etc., Co. <i>v.</i> Beard..... 456	C. R. I. & P. Ry. Co. <i>v.</i> Inter. Com. Com..... 733
Almon <i>v.</i> Modern Woodmen of America 180	Childs <i>v.</i> Smith..... 554
Att'y. General <i>v.</i> Jeffreys..... 180	City of Hoboken <i>v.</i> Hoboken & M. R. Co. 84
Att'y. General <i>v.</i> Ry. Co. 267	City of Logansport <i>v.</i> Jordan..... 184
Avenarius <i>v.</i> Kornely..... 642	Clifton <i>v.</i> Charles..... 440, 447
Baker <i>v.</i> Snell..... 277	Cohen <i>v.</i> Koster..... 641
Bank of Bombay <i>v.</i> Suleman Somji..... 277	Coleman <i>v.</i> Board of Education.. 359
Barber <i>v.</i> Ellingwood..... 559	Commonwealth <i>v.</i> Baer..... 268
Barnes <i>v.</i> Mid. Ry. Term. Co..... 176, 190	Commonwealth <i>v.</i> Ky. Distilleries, etc., Co..... 561
Beaver <i>v.</i> Ross..... 179	Conkling <i>v.</i> Young..... 557
Beckman Lumber Co. <i>v.</i> Acme Harvester Co..... 356	Continental Wall Paper Co. <i>v.</i> Voight & Sons Co..... 344, 357
B. P. O. E. <i>v.</i> Improved B. P. O. E..... 634	Converse <i>v.</i> Hamilton..... 168, 178
Berry <i>v.</i> Berry. 269	Conway <i>v.</i> Owensboro Bank..... 358
Bias <i>v.</i> Atkinson..... 357	Costello <i>v.</i> Feagin..... 734
Blackstone Mfg. Co. <i>v.</i> Blackstone 88	County of Presidio. <i>v.</i> Noah Young, etc., Co. 363
Blakely Mill Co. <i>v.</i> Hartford Ins. Co..... 184	Cragg <i>v.</i> Levinson..... 456
Bloch <i>v.</i> Bloch..... 630	Crane <i>v.</i> Mallone..... 185
Blount <i>v.</i> Blount..... 448	Dam <i>v.</i> Kirke La Shelle Co. 451
Blount Mfg. Co. <i>v.</i> Y. & T. Co. 538, 559	Davis <i>v.</i> Lee..... 551
Bond <i>v.</i> Moore... 260, 277, 362, 432, [457]	De Lapp <i>v.</i> Van Closter..... 637
Booker <i>v.</i> G. R. Medical College. 555	Deal <i>v.</i> Hainley..... 449
Boucofski <i>v.</i> Jacobson..... 718, 736	Delaney <i>v.</i> Gt. South Bend Co. 275
Bradley <i>v.</i> Heyward.... 70, 87	Dingwall <i>v.</i> Chapman..... 635
Breeden <i>v.</i> Frankfort, etc., Ins. Co..... 638	Dixon <i>v.</i> Watson..... 367
Brenneman <i>v.</i> Hildebrandt..... 636	Doubleday Page & Co. <i>v.</i> Shumaker..... 365
Buge <i>v.</i> Newman..... 264	Elder <i>v.</i> State..... 730
Buzzell <i>v.</i> Tobin..... 364	Erie R. R. Co. <i>v.</i> Waite.... 617, 631
Campbell <i>v.</i> Australian, etc., Soc. 79	Ex parte Pettersen..... 444
Canton Nat. Bank <i>v.</i> American, etc., Trust Co..... 731	Fairchance, etc., Co. <i>v.</i> Star Gas Co. 620, 640
Carino <i>v.</i> Insular Government of P. I..... 560	Farmers' All. Ins. Co. <i>v.</i> Ferguson..... 251, 270
Carlson <i>v.</i> Weyerhauser Timber Co..... 85	Fenn <i>v.</i> Ostrander..... 736
Case Thresh. Mach. Co. <i>v.</i> Barnes 557	556-8 Fifth Ave. Co. <i>v.</i> Lotus Club..... 183
Chapman <i>v.</i> McLawhorn..... 453	Finucane <i>v.</i> Warner..... 273
C. & O. Ry. Co. <i>v.</i> Wiley..... 732	Firestone, etc., Co. <i>v.</i> Agnew.... 79
C. M. & St. P. Ry. Co. <i>v.</i> Hanken 186	First Nat. Bank, etc. <i>v.</i> Gibert & Clay..... 728
	Fisher <i>v.</i> Wagner..... 548, 561
	Fitchie <i>v.</i> Brown. 274

PAGE	PAGE		
Ford <i>v.</i> Stroud.....	561	Keefe <i>v.</i> Sullivan Co. R. R.	256, 268
Freeman's Estate.....	437, 449	Keith <i>v.</i> Kellerman.....	542, 553
Galladay <i>v.</i> Knock.....	182	Keller <i>v.</i> U. S.	633
German American Bank <i>v.</i> Goller- mer.....	629, 640	Kelly <i>v.</i> R. J. Schwab & Sons Co.	181
Gilpin <i>v.</i> Savage.....	185	Kennedy <i>v.</i> City of N. Y.	735
Gray <i>v.</i> South & North Ala. R. Co.	733	Kimball & Mills of Pittsburg <i>v.</i> Kaign.....	551
Greene <i>v.</i> State.....	441, 445	Landis & Schick <i>v.</i> Watts.....	635
Gulf C. & S. F. Ry. Co. <i>v.</i> State..	729	Lockport Felt Co. <i>v.</i> The Box Board Co.....	174, 187
Halberstadt <i>v.</i> N. Y. Life Ins. Co.	363	Lord <i>v.</i> Equitable Life Assur. Soc.....	429, 446
Halla <i>v.</i> Cowden.....	738	L. & N. R. R. Co. <i>v.</i> Cent. Stock Yards Co.....	445
Halsted <i>v.</i> Postal Telegraph Co.	189	Lowe <i>v.</i> State.....	731
Hansem Mercantile Co. <i>v.</i> Why- man, etc. Co.....	88	Mass <i>v.</i> Rosenthal.....	366
Hardy <i>v.</i> Swafford, etc. Co....	347,	Madison Bank <i>v.</i> Price.....	446
Harper Bros. <i>v.</i> Kalem Co.	549	Mapes <i>v.</i> The Vandalia R. R. Co.	454
Harriman <i>v.</i> Inter. Com. Com.	270	Mason <i>v.</i> Nelson.....	87
Haskel <i>v.</i> Manson.....	360	Mahopoulus <i>v.</i> Chicago R. R. Co.....	546, 553
Hathorn <i>v.</i> Natural Carbonic Gas Co.....	544, 562	Matter of Wilcox.....	339, 368
Hawkins <i>v.</i> Hawkins.....	83	Mayor <i>v.</i> Knoxville Water Co.	273
Hayhurst <i>v.</i> Morin.....	556	McCarter <i>v.</i> Fireman's Ins. Co.	639
Hellman <i>v.</i> Summerville.....	63, 82	McFall <i>v.</i> Kirkpatrick.....	276
Henry <i>v.</i> Cherry.....	641	McLean <i>v.</i> Arkansas.....	367
Hill <i>v.</i> Walker.....	361	McNaught-Collins Improvement Co. <i>v.</i> May.....	640
Hobbs <i>v.</i> Frazier.....	365	Meeker <i>v.</i> Mettler.....	82
Holland <i>v.</i> Sheehan.....	630	Meisner <i>v.</i> Detroit, etc., Ferry Co.	177
Home Ice Factory <i>v.</i> Howell's Mining Co.....	358	Mo., etc., Co. <i>v.</i> Allen.....	447
Hood <i>v.</i> Penn. Soc., etc.....	165, 178	Mo. Pac. Ry. Co. <i>v.</i> Larrabee, etc., Co.....	348, 363
Hooks <i>v.</i> Bailey	271	Mo., etc., Co. <i>v.</i> McLean.....	622, 638
Howze <i>v.</i> Whitehead.....	76, 86	Model Clothing <i>v.</i> Hirsch.....	86
Hoxie <i>v.</i> N. Y., N. H. & H. R. R. Co.....	711, 729	Mohr <i>v.</i> Rickdauer.....	78
Hoy <i>v.</i> Hoy.....	562	Moore Co. <i>v.</i> Savings & Trust Co.....	258, 270
Illinois Steel Co. <i>v.</i> Budisiz.....	451	Moore <i>v.</i> Whitehead.....	554
Ingersoll <i>v.</i> Coram.....	250, 268	Morris <i>v.</i> St. Paul, etc., Co.	81
Ingraham <i>v.</i> Stockamore.....	638	Moyers <i>v.</i> Fogarty.....	444
In re Ashman's Estate.....	627, 635	Murray <i>v.</i> Wilson Distilling Co.....	165, 178
In re Baughman.....	265	Nash <i>v.</i> Inman.....	73, 87
In re Brown's Estate.....	188	Nat. Exch. Bank of Albany <i>v.</i> Lester.....	452
In re Brown & Co.....	711, 732	Neilson <i>v.</i> Russell.....	188
In re Haggerty.....	275	N. Y. Steam Co. <i>v.</i> Foundation Co.....	449
In re Kessler & Co.....	727	Norris <i>v.</i> Hoffman.....	553
In re Mitchell.....	727	N. W. Ins. Co. <i>v.</i> Avant.....	450
In re Nash.....	724, 737	O'Byrne <i>v.</i> Henley.....	735
In re Pierce's Estate.....	72, 77	Oceanica, The.....	726
In re Reuben's Will.....	190	O'Donohue <i>v.</i> Smith.....	362
In re Thatcher.....	722, 730		
Jackson <i>v.</i> Erkins.....	631		
Jackson <i>v.</i> Paterno.....	85		
Johnson <i>v.</i> Levy.	77		
Jordan <i>v.</i> Mo., etc., Co.....	552		

PAGE	PAGE
Ogden <i>v.</i> Harrison..... 82	Sexton <i>v.</i> Kessler..... 625, 631
Oregon, etc., Co. <i>v.</i> Portland, etc., S. S. Co.....	Shaw <i>v.</i> Straight..... 445
Payne <i>v.</i> McClure Lodge..... 454	Sherrod <i>v.</i> State..... 178
People <i>v.</i> Ahearn..... 364	Simmonds <i>v.</i> Simmonds' Adm'r. 636
People <i>v.</i> Albion Cider & Vinegar Co..... 737	Smith <i>v.</i> Markland..... 638
People <i>v.</i> Raymond..... 455	Smith <i>v.</i> Met. Life Ins. Co..... 183
People <i>v.</i> Rochester Ry. & Light Co..... 78	Smith <i>v.</i> Read..... 80
People <i>v.</i> Transit Development Co. 558	So. Pac. Co. <i>v.</i> Bartine..... 728
People <i>ex rel.</i> Deister <i>v.</i> Winter- mute..... 359	State <i>v.</i> Bailey..... 182
People <i>ex rel.</i> Joline <i>v.</i> Willcox [342, 367	State <i>v.</i> J. P. Bass Pub. Co..... 450
People <i>ex rel.</i> Lasher <i>v.</i> City of N. Y..... 624, 634	State <i>v.</i> James..... 178
People <i>ex rel.</i> Wineberg <i>v.</i> City of N. Y..... 186	State <i>v.</i> Jones..... 738
Phillips <i>v.</i> Birmingham Industrial Co..... 726	State <i>v.</i> Mo. Pac. R. R. Co. 67, 78
Phillips <i>v.</i> Home Ins. Co. 84	State <i>v.</i> Nuchols..... 447
Phillips <i>v.</i> Portage Transit Co. 269	State Bank <i>v.</i> Brown..... 262, 276
Piggott <i>v.</i> Middlesex County Council..... 274	State <i>ex rel.</i> Goodwine <i>v.</i> Cad- wallader..... 560
Poulton <i>v.</i> Adjustable Cover Co. 360	State <i>ex rel.</i> Karlinger <i>v.</i> Board, etc. 732
Prentiss <i>v.</i> Atlantic, etc., Co. 181	State <i>ex rel.</i> N. P. R. R. Co. <i>v.</i> Ry. Com. 631
Rao <i>v.</i> Oke..... 353, 355	State <i>ex rel.</i> Ryan <i>v.</i> Murphy.... 86
<i>Re</i> Arbitration N. W. Rubber Co. v. Huttenbach & Co. 265	Stein <i>v.</i> C. & O. Ry. Co. 540, 558
Realty Records Co. <i>v.</i> Pierson.... 633	Stone <i>v.</i> Stitt..... 739
Reehil <i>v.</i> Fraas..... 268	Stuart <i>v.</i> Bank of Montreal..... 83
Reilly <i>v.</i> Absecon Land Co. 434, 447	Sutliffe <i>v.</i> City of N. Y..... 559
Richmond <i>v.</i> Railway..... 272	Swain <i>v.</i> Schonlaben..... 443, 449
Ripley <i>v.</i> Land Co. 264	
Risdon Iron & Loco. Works <i>v.</i> Von Storch..... 550	
Robert Gair Co. <i>v.</i> Columbia Rice P'k'g. Co. 633	Title Guaranty & Trust Co. <i>v.</i> Haven..... 65, 88
Roberts <i>v.</i> Neale..... 355	Town of Cameron <i>v.</i> Hicks..... 639
Rooney <i>v.</i> People's Trust Co. 354, 363	Turner <i>v.</i> Seep..... 555
Russell <i>v.</i> Grigsby..... 637	Tuttle <i>v.</i> Buck..... 450
Russell <i>v.</i> Huntington Nat. Bank. 89	Twining <i>v.</i> New Jersey..... 177
St. L. I. M. & S. Ry. Co. <i>v.</i> Baty.. 266	U. P. R. Co. <i>v.</i> Oregon & Wash., etc., Ass'n..... 271
St. L. & S. F. R. R. Co. <i>v.</i> Cundieff. 737	U. S. <i>v.</i> Kissel..... 734
St. Stephens Church <i>v.</i> Church, etc..... 258, 268	U. S. <i>v.</i> Price..... 80
Sammons <i>v.</i> Pike..... 552	U. S. <i>ex rel.</i> Att'y Gen'l <i>v.</i> D. & H. Co. 534, 549
Saunders <i>v.</i> Saunders' Adm'rs. 368	U. S. Tel. Co. <i>v.</i> Cent. Union Tel. Co. 714, 736
Scheuermann <i>v.</i> Scharfenberg. 720, 737	Valk <i>v.</i> Erie R. R. Co. 356
Schlegel <i>v.</i> Catholic Church..... 366	Van Etten <i>v.</i> Noyes..... 190
Schwab <i>v.</i> E. G. Potter Co. 266	Vaughn <i>v.</i> Sanford..... 172, 187
Sciolari <i>v.</i> Asch..... 272	Venugopal Chetti <i>v.</i> Venugopal Chetti..... 357
Scoville <i>v.</i> Brock..... 89	Ward <i>v.</i> Pullman Car Corp..... 361
Seeger Refrig. Co. <i>v.</i> Am. Car & F'dry Co. 730	Willcox <i>v.</i> Consolidated Gas Co. 162, 186
	Wooldridge <i>v.</i> Brown..... 187
	Yeager <i>v.</i> Tuning..... 554
	Young <i>v.</i> State Bank..... 556
	Zeckandore <i>v.</i> Steinfeld..... 550